

RESOLUTION NO. 20060323-013

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: H. Michael Giles and PARMER 6, LTD.

Project: Onion Creek/Lower South Boggy Phase II Project, a portion of the Austin Clean Water Program

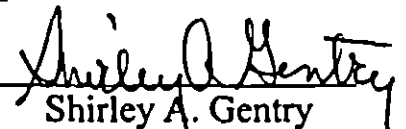
Intended Purpose: the permanent access easements described in the attached Exhibits "A" and "B" are needed to access adjacent drainage easements for maintenance and to access adjacent permanent wastewater line easements in order to install, inspect, and repair the wastewater lines and appurtenances therein, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

Location: Southeast corner of South 1st Street and Dittmar Road

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: March 23, 2006

ATTEST:


Shirley A. Gentry
City Clerk

H. MICHAEL GILES
AND PARMER 6 LTD.

TO
CITY OF AUSTIN
(ACCESS EASEMENT)
CIP # _____

DESCRIPTION FOR PARCEL 5203.07 AE-1

DESCRIPTION OF 0.0025 OF ONE ACRE OR 109 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, BLOCK A, BEACONRIDGE VII, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 83, PAGE 91C, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0025 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED TO H. MICHAEL GILES AND PARMER 6 LTD., OF RECORD IN DOCUMENT NO. 2005018601, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0025 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with plastic cap at the east corner of this tract, same being in the southeast line of said Lot 1, and of said Giles and Parmer 6 Ltd. tract, and in the north line of Lot 9, Block A, Beaconridge I, a subdivision in the City of Austin, of record in Book 69, Page 45, Plat Records, Travis County, Texas, said Lot 9 being described in a deed to Walter R. Burnett and wife, Laurel A. Burnett, of record in Volume 11346, Page 1331, Real Property Records, Travis County, Texas, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00004) values of N=10039521.15, E=3099740.36, from which point a 1/2" iron rod found at the northeast corner of Lot 10, Block A, of said Beaconridge I Subdivision, said Lot 10 being described in a deed to Sharon Jeanette Kurtz, of record in Volume 11977, Page 17, Real Property Records, Travis County, Texas, same being the northwest corner of Lot 11 of said Beaconridge I Subdivision, said Lot 11 being described in a deed to Christa B. Wilson, of record in Volume 13165, Page 896, Real Property Records, Travis County, Texas, bears N66°25'10"E 91.37 feet and S70°40'50"E 71.03 feet, also from said point of beginning a 1/2" iron rod found in the northeast line of said Lot 1, same being in the southwest line of Dittmar Road bears N66°25'10"E 91.37 feet and N70°40'50"W 544.46 feet;

THENCE, with the southeast line of this tract, of said Lot 1 and of said Giles and Parmer 6 Ltd. tract, same being the northwest line of said Lot 9 and of said Burnett tract S66°25'10"W 40.76 feet to a 1/2" iron rod set with plastic cap at the south corner of this tract, same being in the southeast line of a 10' Public Utility Easement, of record in Book 83, Page 91C and Book 69, Page 45, Plat Records, Travis County, Texas;

THENCE, with a northwest line of this tract, crossing said Lot 1 and said Giles and Parmer 6 Ltd. tract, with the southeast line of said Public Utility Easement, N19°12'29"E 7.27 feet to a 1/2" iron rod set with plastic cap at the northwest corner of this tract;

THENCE, with a northwest line of this tract, crossing said Lot 1, and of said Giles and Parmer 6 Ltd. tract, N74°53'14"E 36.22 feet to the POINT OF BEGINNING and containing 0.0025 of one acre, more or less, within these metes and bounds.

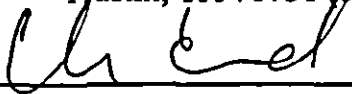
Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (93 HARN). The Combined Scale Factor is 1.00004). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6

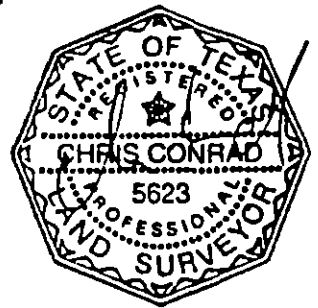
Austin, TX 78731 (512) 451-8591



3/16/04

Chris Conrad, Reg. Professional Land Surveyor No. 5623 Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. Revised 02/11/05



TCAD# 04-2314-03-01
AUSTIN GRID G-15

FIELD NOTES REVIEWED

By: PK Date: 2-18-05

Austin Clean Water Program
Survey Coordinator

SKETCH TO ACCO' ANY DESCRIPTION OF
0.0025 AC. OR 109 SQ. FT. OF LAND OUT OF
LOT 1, BLOCK A, BEACONRIDGE VII
AUSTIN, TRAVIS COUNTY, TEXAS

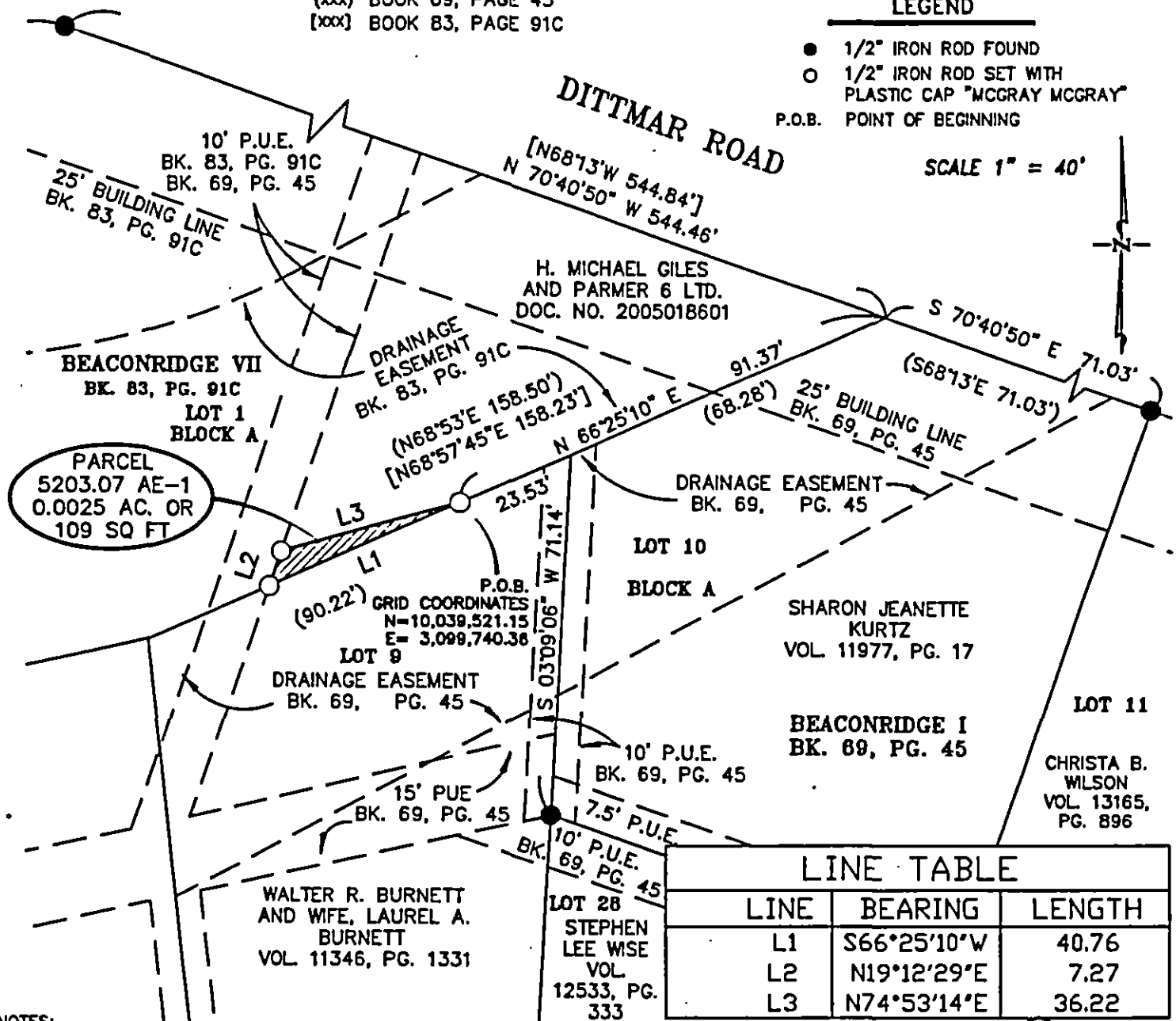
RECORD INFORMATION

(xxx) BOOK 69, PAGE 45
(xxx) BOOK 83, PAGE 91C

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- P.O.B. POINT OF BEGINNING

SCALE 1" = 40'



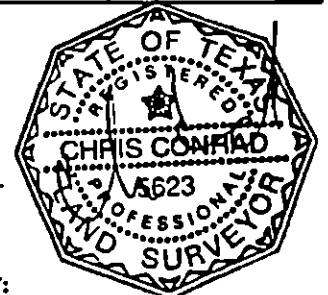
LINE TABLE

LINE	BEARING	LENGTH
L1	S66°25'10"W	40.76
L2	N19°12'29"E	7.27
L3	N74°53'14"E	36.22

NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078" A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N60°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE COMBINED SCALED FACTOR IS 1.00004. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY REFLECTS ITEMS CALLED OUT ON HERITAGE TITLE COMPANY OF AUSTIN, INC. TITLE COMMITMENT, GF NO. 00042099, EFFECTIVE AUGUST 30, 2004, AT 8:00 A.M., ISSUED SEPTEMBER 8, 2004, AT 8:00 A.M.



SURVEYED BY:

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 3/16/04

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Exhibit "A"
Page 3 of 3

TCAD#: 04-2314-03-01 AUSTIN GRID#: G-15

H. MICHAEL GILES
AND PARMER 6 LTD.
TO
CITY OF AUSTIN
(ACCESS EASEMENT)
CIP # _____

DESCRIPTION FOR PARCEL 5203.07 AE-2

DESCRIPTION OF 0.0305 OF ONE ACRE OR 1,328 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, BLOCK A, BEACONRIDGE VII, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 83, PAGE 91C, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0305 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED TO H. MICHAEL GILES AND PARMER 6 LTD., OF RECORD IN DOCUMENT NO. 2005018601, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0305 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with plastic cap at the northeast corner of this tract, same being in the northeast line of said Lot 1, and of said Giles and Parmer 6 Ltd. tract, and in the southwest line of Dittmar Road, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00004) values of N=10039558.80, E=3099820.97, from which point a 1/2" iron rod found at the northeast corner of Lot 10, Block A, Beaconridge I, a subdivision in the City of Austin, of record in Book 69, Page 45, Plat Records, Travis County, Texas, said Lot 10 being described in a deed to Sharon Jeanette Kurtz, of record in Volume 11977, Page 17, Real Property Records, Travis County, Texas, same being in the northwest corner of Lot 11 of said Beaconridge I Subdivision, said Lot 11 being described in a deed to Christa B. Wilson, of record in Volume 13165, Page 896, Real Property Records, Travis County, Texas, bears S70°40'50"E 74.35 feet;

THENCE, with the east line of this tract, crossing said Lot 1 and said Giles and Parmer 6 Ltd. tract, S19°12'29"W 3.08 feet to a 1/2" iron rod set with plastic cap at the southeast corner of this tract, same being in the southeast line of said Lot 1 and of said Giles and Parmer 6 Ltd. tract, same also being in the northwest line of said Lot 10 and of said Kurtz tract;

THENCE, with the southeast line of this tract, of said Lot 1 and of said Giles and Parmer 6 Ltd. tract, same being the northwest line of said Lot 10 and of said Kurtz tract S66°25'10"W 17.51 feet to a 1/2" iron rod set with plastic cap at the south corner of this tract, from said point a 1/2" iron rod found at the southwest corner of said Lot 10 and of said Kurtz tract, same being the north corner of Lot 28, Block A, of said Beaconridge I, said Lot 28 being described in a deed to Stephen Lee Wise, of record in Volume 12533, Page 333, Real Property Records, Travis County, Texas, same also being in the east line

of Lot 9, Block 9, of said Beaconridge I, said Lot 9 being described in a deed to Walter R. Burnett and wife, Laurel A. Burnett, of record in Volume 11346, Page 1331, Real Property Records, Travis County, Texas, bears S66°25'10"W 45.80 feet and S03°09'06"W 71.14 feet;

THENCE, with a southwest line of this tract, crossing said Lot 1 and said Giles and Parmer 6 Ltd. tract, N70°40'50"W 80.80 feet to a 1/2" iron rod set with plastic cap at the west corner of this tract, same being in the southeast line of a 10' Public Utility Easement, of record in Book 83, Page 91C and Book 69, Page 45, Plat Records, Travis County, Texas;

THENCE, with a northwest line of this tract, crossing said Lot 1 and said Giles and Parmer 6 Ltd. tract, with the southeast line of said Public Utility Easement, N19°12'29"E 15.00 feet to a 1/2" iron rod set with plastic cap at the north corner of this tract, same being in the northeast line of said Lot 1 and of said Giles and Parmer 6 Ltd. tract, same also being in the southwest line of said Dittmar Road, from said point a 1/2" iron rod found in the northeast line of said Lot 1 and said Giles and Parmer 6 Ltd. tract, same being in the southwest line of said Dittmar Road bears N70°40'50"W 447.49 feet;

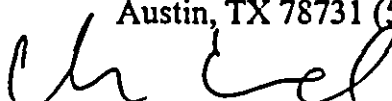
THENCE, with the northeast line of this tract, of said Lot 1, and of said Giles and Parmer 6 Ltd. tract, and the southwest line of said Dittmar Road, S70°40'50"E 93.65 feet to the POINT OF BEGINNING and containing 0.0305 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

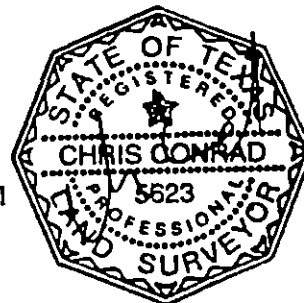
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SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591

 3/16/04
Chris Conrad, Reg. Professional Land Surveyor No. 5623 Date

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FIELD NOTES REVIEWED

By:  Date: 2-28-05

TCAD# 04-2314-03-01
AUSTIN GRID G-15

Austin Clean Water Program
Survey Coordinator

SKETCH TO ACCOMPANY DESCRIPTION OF
0.0305 AC. OR 1328 SQ. FT. OF LAND OUT OF
LOT 1, BLOCK A, BEACONRIDGE VII
AUSTIN, TRAVIS COUNTY, TEXAS

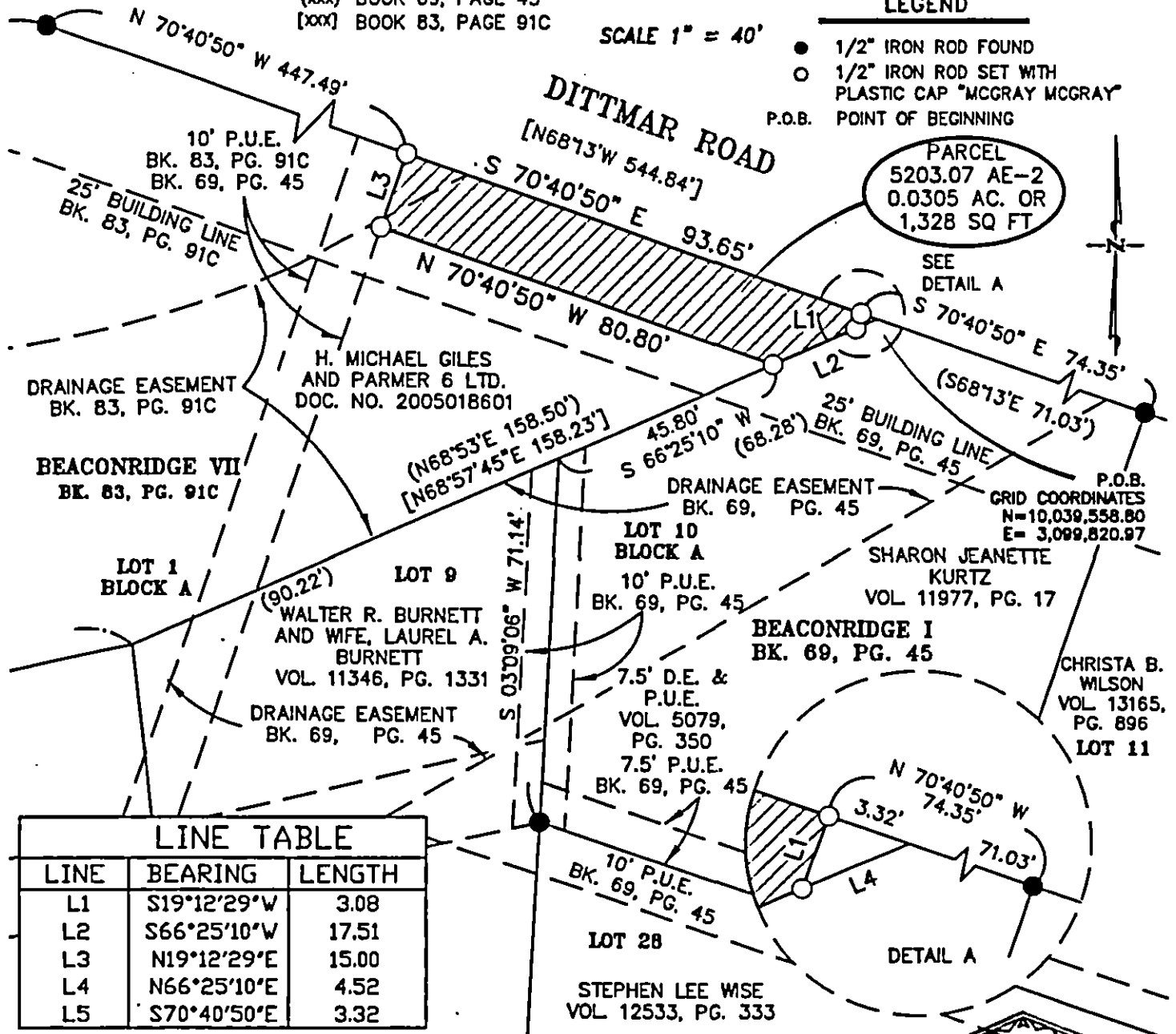
RECORD INFORMATION

(xxx) BOOK 69, PAGE 45
(xxx) BOOK 83, PAGE 91C

SCALE 1" = 40'

LEGEND

- 1/2" IRON ROD FOUND
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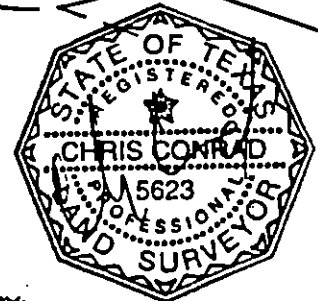
Chris Conrad

3/16/04

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
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Exhibit "B"
Page 3 of 3



SURVEYED BY:



McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

TCAD#: 04-2314-03-01 AUSTIN GRID#: G-15

NO. 04-075